

REMARKS

Applicants respectfully request entry of the following amendments and remarks in response to the Office Action mailed August 21, 2008. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1, 6, 11 – 14, 16 – 17, and 19 – 39 are pending. In particular, Applicants amend claims 1, 6, and 23 – 38. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. **Claim 1 is Allowable Over *Shipp* in view of *Devine* further in view of *Milliken* further in view of *Anderson* further in view of *Uuencode* and *MIME FAQ* further in view of *Gordon* further in view of *Sahami* further in view of *Woitaszek***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Number 6,968,571 ("*Devine*") further in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") further in view of U.S. Patent Publication Number 2004/0064537 ("*Anderson*") further in view of Uuencode and MIME FAQ ("*Uuencode*"), further in view of U.S. Patent Number 6,732,157 ("*Gordon*"), further in view of A Bayesian Approach to Filtering Junk E-Mail ("*Sahami*") further in view of Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Devine*, further in view of *Milliken*, further in view of *Anderson*, further in view of *Uuencode*, further in view of *Gordon*, further in view of *Sahami* further in view of *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method comprising:

- (A) receiving an email message from a simple mail transfer protocol (SMTP) server, the email message comprising:
 - (A1) a 32-bit string indicative of the length of the email message;

- (A2) a text body;
- (A3) an SMTP email address;
- (A4) a domain name corresponding to the SMTP email address;
- (A5) an attachment;
- (B) tokenizing the text body to generate tokens representative of words in the text;
- (C) tokenizing the SMTP email address to generate a token representative of the SMTP email address;
- (D) tokenizing the domain name to generate a token that is representative domain name;
- (E) tokenizing the attachment to generate a token that is representative of the attachment, wherein tokenizing comprises:
 - (E1) generating a 128-bit MD5 hash of the attachment;
 - (E2) appending the 32-bit string to the generated MD5 hash to produce a 160-bit number; and
 - (E3) UUencoding the 160-bit number to generate the token representative of the attachment;
- (F) determining a probability value for each of the generated tokens;
- (G) ***sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens;***
- (H) selecting the predefined number of interesting tokens, the interesting tokens being the generated tokens having the greatest non-neutral probability values;
- (I) performing a Bayesian analysis on the selected interesting tokens to generate a spam probability; and
- (J) categorizing the email message as a function of the generated spam probability.

(Emphasis added).

Applicants respectfully submit that claim 1 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log" (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that,

because *Shipp* uses the word “currently” in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 1. Accordingly, the combination of eight (8) references that includes *Shipp* is improper.

Second, the combination of eight (8) references that includes *Woitaszek* fails to disclose, teach, or suggest a “method comprising... ***sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***” as recited in claim 1. More specifically, the Office Action admits that “*Shipp* in view of Devine, Milliken, Anderson, Uencode and Mime FAQ and Gordon and Sahami do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value” (OA page 8, last paragraph). Additionally, *Woitaszek* fails to overcome the deficiencies of the first seven (7) references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists “words indicating nonspam messages” (last page) and a table (Table 5) that lists “words indicating spam messages” (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 1. Additionally, because each of the references is deficient with regard to this claim element, the combination of eight (8) references does not render claim 1 obvious. For at least these reasons, claim 1 is allowable.

II. **Claims 39 is Allowable Over *Shipp* in view of *Devine* further in view of *Milliken* further in view of *Anderson* further in view of *Uencode* and *MIME FAQ* further in view of *Gordon* further in view of *Sahami* further in view of *Woitaszek***

The Office Action indicates that claim 39 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 (“*Shipp*”) in

view of U.S. Patent Number 6,968,571 ("*Devine*") further in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") further in view of U.S. Patent Publication Number 2004/0064537 ("*Anderson*") further in view of Uenocode and MIME FAQ ("*Uenocode*"), further in view of U.S. Patent Number 6,732,157 ("*Gordon*"), further in view of A Bayesian Approach to Filtering Junk E-Mail ("*Sahami*") further in view of Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Devine*, further in view of *Milliken*, further in view of *Anderson*, further in view of *Uenocode*, further in view of *Gordon*, further in view of *Sahami* further in view of *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 39. More specifically, dependent claim 39 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Claim 6 is Allowable Over *Shipp* in view of *Milliken* and *Woitaszek*

The Office Action indicates that claim 6 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 6. More specifically, claim 6 recites:

A method comprising:
receiving an email message comprising a text body, an SMTP email address, an attachment, and a domain name corresponding to the SMTP email address;
tokenizing the SMTP email address to generate a token representative of the SMTP email address;
tokenizing the attachment to generate a token that is

representative of the attachment;
tokenizing the domain name to generate a token
representative of the domain name;
determining a spam probability value from the generated
tokens; and
***sorting the generated tokens in accordance with the
corresponding determined spam probability value to
determine a predefined number of interesting tokens, the
predefined number of interesting tokens being a subset of the
generated tokens.***

(Emphasis added).

Applicants respectfully submit that claim 6 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log" (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word "currently" in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word "currently" does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 6. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woltaszek* fails to disclose, teach, or suggest a "method comprising... ***sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***" as recited in claim 6. More specifically, the Office Action admits that "Shipp in view of Milliken [and] Anderson do not explicitly show where the tokens are sorted in

accordance with the corresponding determined spam probability value" (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists "words indicating nonspam messages" (last page) and a table (Table 5) that lists "words indicating spam messages" (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 6. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 6 obvious. For at least these reasons, claim 6 is allowable.

IV. Claim 23 is Allowable Over *Shipp* in view of *Milliken* and *Woitaszek*

The Office Action indicates that claim 23 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 23. More specifically, claim 23 recites:

A system comprising:
email receive logic configured to receive an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;
tokenize logic configured to tokenize the SMTP email address to generate a token representative of the SMTP email address;
tokenize logic configured to tokenize the attachment to generate a token that is representative of the attachment;
tokenize logic configured to tokenize the domain name to generate a token representative of the domain name;
analysis logic configured to determine a spam probability value from the generated tokens; and
sorting logic configured to sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of

interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens.
(Emphasis added).

Applicants respectfully submit that claim 23 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses “[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log” (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word “currently” in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 23. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a “system comprising... ***sorting logic configured to sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***” as recited in claim 23. More specifically, the Office Action admits that “*Shipp* in view of Milliken [and] Anderson do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value” (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists “words indicating nonspam messages” (last page) and a table (Table 5) that lists “words indicating

spam messages" (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 23. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 23 obvious. For at least these reasons, claim 23 is allowable.

V. Claim 24 is Allowable Over *Shipp* in view of *Milliken* and *Woitaszek*

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 24. More specifically, claim 24 recites:

A system comprising:

means for receiving an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;

means for tokenizing the SMTP email address to generate a token representative of the SMTP email address;

means for tokenizing the attachment to generate a token that is representative of the attachment;

means for tokenizing the domain name to generate a token representative of the domain name;

means for determining a spam probability value from the generated tokens; and

means for sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens.

(Emphasis added).

Applicants respectfully submit that claim 24 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a

reference. More specifically, as previously cited, *Shipp* discloses “[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log” (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word “currently” in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 24. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a “system comprising... ***means for sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***” as recited in claim 24. More specifically, the Office Action admits that “*Shipp* in view of *Milliken* [and] *Anderson* do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value” (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists “words indicating nonspam messages” (last page) and a table (Table 5) that lists “words indicating spam messages” (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 24. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 24 obvious. For at least these reasons, claim 24 is allowable.

VI. Claim 25 is Allowable Over *Shipp* in view of *Milliken* and *Woitaszek*

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 25. More specifically, claim 25 recites:

A computer-readable medium that includes a program that, when executed by a computer, causes the computer to perform at least the following:

receive an email message comprising an SMTP email address, a domain name corresponding to the SMTP email address, and an attachment;

tokenize the SMTP email address to generate a token representative of the SMTP email address;

tokenize the attachment to generate a token that is representative of the attachment;

tokenize the domain name to generate a token representative of the domain name;

determine a spam probability value from the generated tokens; and

sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens.

(Emphasis added).

Applicants respectfully submit that claim 25 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log" (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of

Shipp is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word “currently” in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 25. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a “computer-readable medium that includes a program that, when executed by a computer, causes the computer to perform at least the following... ***sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***” as recited in claim 25. More specifically, the Office Action admits that “*Shipp* in view of *Milliken* [and] *Anderson* do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value” (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists “words indicating nonspam messages” (last page) and a table (Table 5) that lists “words indicating spam messages” (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 25. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 25 obvious. For at least these reasons, claim 25 is allowable.

VII. **Claim 30 is Allowable Over *Shipp* in view of *Milliken* and *Woitaszek***

The Office Action indicates that claim 30 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 30. More specifically, claim 30 recites:

A system comprising:
a memory component that stores at least the following:
email receive logic configured to receive an email
message comprising an attachment;
tokenize logic configured to tokenize the
attachment to generate a token representative of the attachment;
analysis logic configured to determine a spam
probability value from the generated token; and
***sort logic configured to sort the generated
tokens in accordance with the corresponding spam
probability value to determine a predefined number of
interesting tokens, the predefined number of interesting
tokens being a subset of the generated tokens.***
(*Emphasis added*).

Applicants respectfully submit that claim 30 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log" (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word "currently" in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and

thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, Shipp teaches away from this element of claim 30. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a “system comprising... a memory component that stores at least the following... ***sort logic configured to sort the generated tokens in accordance with the corresponding spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***” as recited in claim 30. More specifically, the Office Action admits that “Shipp in view of Milliken [and] Anderson do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value” (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists “words indicating nonspam messages” (last page) and a table (Table 5) that lists “words indicating spam messages” (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 30. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 30 obvious. For at least these reasons, claim 30 is allowable.

VIII. Claim 31 is Allowable Over Shipp in view of Milliken and Woitaszek

The Office Action indicates that claim 31 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 (“*Shipp*”) in view of U.S. Patent Publication Number 2004/0073617 (“*Milliken*”) and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine (“*Woitaszek*”). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and

Woitaszek fails to disclose, teach, or suggest all of the elements of claim 31. More specifically, claim 31 recites:

A system comprising:
means for receiving an email message comprising an attachment;
means for tokenizing the attachment to generate a token representative of the attachment;
means for determining a spam probability value from the generated token; and
means for sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens.

(Emphasis added).

Applicants respectfully submit that claim 31 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses “[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log” (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word “currently” in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word “currently” does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 31. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a “system comprising... ***means for sorting the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined***

number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens" as recited in claim 31. More specifically, the Office Action admits that "Shipp in view of Milliken [and] Anderson do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value" (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists "words indicating nonspam messages" (last page) and a table (Table 5) that lists "words indicating spam messages" (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 31. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 31 obvious. For at least these reasons, claim 31 is allowable.

IX. Claim 32 is Allowable Over Shipp in view of Milliken and Woitaszek

The Office Action indicates that claim 32 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claim 32. More specifically, claim 32 recites:

A computer-readable medium that includes a program that, when executed by a computer, performs at least the following:
receive an email message comprising an attachment;
tokenize the attachment to generate a token representative of the attachment;
determine a spam probability value from the generated token; and
sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the

predefined number of interesting tokens being a subset of the generated tokens.
(Emphasis added).

Applicants respectfully submit that claim 32 is allowable over the cited art. First, Applicants again refresh the previously presented argument against use of *Shipp* as a reference. More specifically, as previously cited, *Shipp* discloses "[t]he invention is to weed out candidates for logging so that the normal mail is not logged. This reduces the burden on the database 23, and improves performance... A simplistic algorithm would be: If mail contains attachments, do not log" (page 3, paragraphs [0080] – [0081]). Thus, the apparent crux of *Shipp* is that attachments do not include spam, so an automatic exclusion from logging may be performed, if an email includes an attachment. However, the Office Action contends that, because *Shipp* uses the word "currently" in its description that spam does not contain attachments, the crux of *Shipp* is averted. Applicants respectfully disagree. More specifically, Applicants submit that *Shipp* clearly teaches that spam email does not include attachments, and thus need not be addressed. Use of the word "currently" does not remedy this fact. Consequently, *Shipp* teaches away from this element of claim 32. Accordingly, the combination of references that includes *Shipp* is improper.

Second, the combination of references that includes *Woitaszek* fails to disclose, teach, or suggest a "computer-readable medium that includes a program that, when executed by a computer, performs at least the following... ***sort the generated tokens in accordance with the corresponding determined spam probability value to determine a predefined number of interesting tokens, the predefined number of interesting tokens being a subset of the generated tokens***" as recited in claim 32. More specifically, the Office Action admits that "Shipp in view of Milliken [and] Anderson do not explicitly show where the tokens are sorted in accordance with the corresponding determined spam probability value" (OA page 10, line 9). Additionally, *Woitaszek* fails to overcome the deficiencies of the first references. More to the point, *Woitaszek* simply includes a table (Table 4) that lists "words indicating nonspam

messages" (last page) and a table (Table 5) that lists "words indicating spam messages" (last page). There is no indication that these words are used for any purpose, not to mention to determine a predefined number of interesting tokens, as described in claim 32. Additionally, because each of the references is deficient with regard to this claim element, the combination of references does not render claim 32 obvious. For at least these reasons, claim 32 is allowable.

X. Claims 16 – 17 and 33 – 34 are Allowable Over *Shipp* in view of *Milliken* and *Woitaszek*

The Office Action indicates that claims 16 – 17 and 33 – 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617 ("*Milliken*") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("*Woitaszek*"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* fails to disclose, teach, or suggest all of the elements of claims 16 – 17 and 33 – 34. More specifically, dependent claims 16 – 17 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 6. Further, dependent claims 33 – 34 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. In *re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

XI. Claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38 are Allowable Over *Shipp* in view of *Milliken* and *Woitaszek* further in view of *Sahami*

The Office Action indicates that claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2004/0093384 ("*Shipp*") in view of U.S. Patent Publication Number 2004/0073617

("Milliken") and Identifying Junk Electronic Mail In Microsoft Outlook with a Support Vector Machine ("Woitaszek") further in view of A Bayesian Approach to Filtering Junk E-Mail ("Sahami"). Applicants respectfully traverse this rejection for at least the reason that *Shipp* in view of *Milliken* and *Woitaszek* further in view of *Sahami* fails to disclose, teach, or suggest all of the elements of claims 11 – 14, 19 – 22, 26 – 29, and 35 – 38. More specifically, dependent claims 11 – 14 and 19 – 22 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 6. Dependent claims 26 – 29 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 25. Dependent claims 35 – 38 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 32. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway SE
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**